

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 457

BY SENATORS COLE (MR. PRESIDENT) AND KESSLER

(BY REQUEST OF THE EXECUTIVE)

[Introduced February 2, 2016;

Referred to the Committee on Government Organization;

and then to the Committee on Finance.]

1 A BILL to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended,
 2 relating to authorizing information sharing by WorkForce West Virginia related to
 3 administration of the Workforce Innovation and Opportunity Act with agencies of state
 4 government responsible for vocational rehabilitation, employment and training.

Be it enacted by the Legislature of West Virginia:

1 That §21A-10-11 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 10. GENERAL PROVISIONS.

**§21A-10-11. Reporting requirements and required information; use of information; libel
 and slander actions prohibited.**

1 (a) Each employer, including labor organizations as defined in subsection (i) of this
 2 section, shall, quarterly, submit certified reports on or before the last day of the month next
 3 following the calendar quarter, on forms to be prescribed by the commissioner. The reports shall
 4 contain:

5 (1) The employer’s assigned unemployment compensation registration number, the
 6 employer’s name and the address at which the employer’s payroll records are maintained;

7 (2) Each employee’s Social Security account number, name and the gross wages paid to
 8 each employee, which shall include the first \$12,000 of remuneration and all amounts in excess
 9 of that amount, notwithstanding subdivision (1), subsection (b), section twenty-eight, article one-
 10 a of this chapter;

11 (3) The total gross wages paid within the quarter for employment, which includes money
 12 wages and the cash value of other remuneration, and shall include the first \$12,000 of
 13 remuneration paid to each employee and all amounts in excess of that amount, notwithstanding
 14 subdivision (1), subsection (b), section twenty-eight, article one-a of this chapter; and

15 (4) Other information that is reasonably connected with the administration of this chapter.

16 (b) Information obtained may not be published or be open to public inspection to reveal

17 the identity of the employing unit or the individual.

18 (c) Notwithstanding the provisions of subsection (b) of this section, the commissioner may
19 provide information obtained to the following governmental entities for purposes consistent with
20 state and federal laws:

21 (1) The United States Department of Agriculture;

22 (2) The state agency responsible for enforcement of the Medicaid program under Title XIX
23 of the Social Security Act;

24 (3) The United States Department of Health and Human Services or any state or federal
25 program operating and approved under Title I, Title II, Title X, Title XIV or Title XVI of the Social
26 Security Act;

27 (4) Those agencies of state government responsible for economic and community
28 development; early childhood, primary, secondary, postsecondary and vocational education; the
29 West Virginia P-20 longitudinal data system established pursuant to section ten, article one-d,
30 chapter eighteen-b of this code; and vocational rehabilitation, employment and training, including,
31 but not limited to, the administration of the Perkins Act and the ~~Workforce Investment Act~~
32 Workforce Innovation and Opportunity Act;

33 (5) The Tax Division, but only for the purposes of collection and enforcement;

34 (6) The Division of Labor for purposes of enforcing the wage bond and the contractor
35 licensing provisions of chapter twenty-one of this code;

36 (7) Any agency of this or any other state, or any federal agency, charged with the
37 administration of an unemployment compensation law or the maintenance of a system of public
38 employment offices;

39 (8) Any claimant for benefits or any other interested party to the extent necessary for the
40 proper presentation or defense of a claim; and

41 (9) The Insurance Commissioner for purposes of its Workers Compensation regulatory
42 duties.

43 (d) The agencies or organizations which receive information under subsection (c) of this
44 section shall agree that the information shall remain confidential as not to reveal the identity of
45 the employing unit or the individual consistent with the provisions of this chapter.

46 (e) The commissioner may, before furnishing any information permitted under this section,
47 require that those who request the information shall reimburse the Bureau of Employment
48 Programs for any cost associated for furnishing the information.

49 (f) The commissioner may refuse to provide any information requested under this section
50 if the agency or organization making the request does not certify that it will comply with the state
51 and federal law protecting the confidentiality of the information.

52 (g) A person who violates the confidentiality provisions of this section is guilty of a
53 misdemeanor and, upon conviction thereof, shall be fined not less than \$20 nor more than \$200
54 or confined in a county or regional jail not longer than ninety days, or both.

55 (h) An action for slander or libel, either criminal or civil, may not be predicated upon
56 information furnished by any employer or any employee to the commissioner in connection with
57 the administration of any of the provisions of this chapter.

58 (i) For purposes of subsection (a) of this section, the term "labor organization" means any
59 organization of any kind, or any agency or employee representation committee or plan, in which
60 employees participate and which exists for the purpose, in whole or in part, of dealing with
61 employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or
62 conditions of work. It includes any entity, also known as a hiring hall, which is used by the
63 organization and an employer to carry out requirements described in 29 U. S. C. §158(f)(3) of an
64 agreement between the organization and the employer.

NOTE: The purpose of this bill is to update a provision authorizing information sharing by Workforce West Virginia with the state agencies responsible for vocational rehabilitation, employment and training to reflect the passage of the Workforce Innovation and Opportunity Act ("WIOA"), which replaced the Workforce Investment Act. The change is

required to comply with WIOA in order to continue receiving federal funding from the U.S. Department of Labor. The purpose of WIOA is to better align the workforce system with education and economic development in an effort to create a collective response to economic and labor market challenges on the national, state and local levels.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.